

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

HUDSON LYNN EDGET, #13856

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14-cv-548-FKB

MANAGEMENT & TRAINING
CORPORATION, SERGEANT PULLYUMS,
OFFICER JOHNSON, OFFICER BATTLE,
and OFFICER SCOTT

DEFENDANTS

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

COME NOW Defendants Management & Training Corporation, Marian Pulliam, Augustine Battle, and Henry Johnson, by and through counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and file this their Motion for Partial Summary Judgment, as follows:

1. This *pro se* prisoner action arises out of claims made by Hudson Edget, who at all relevant times was incarcerated by the Mississippi Department of Corrections and housed at East Mississippi Correctional Facility (EMCF). Defendant Management & Training Corporation has operated EMCF since July 19, 2012. Defendants Sgt. Marian Pulliam, Officer Henry Johnson, and Officer Augustine Battle at all relevant times were employed by MTC and served as correctional staff at EMCF.

2. Plaintiff brings this cause of action under 42 U.S.C. § 1983, alleging the violation of his constitutional rights. Specifically, Plaintiff claims that on March 7, 2014, Sgt. Pulliam, Officer Johnson, Officer Battle, and Officer Scott¹ sexually assaulted him in his cell on the long-term segregation unit at EMCF. He also claims the individual Defendants denied him access to adequate medical care following the subject incident.

¹ The Defendant sued as “Officer Scott” is a former EMCF employee who has not been served with process and has not entered an appearance in this case.

3. Plaintiff has failed to present any evidence to establish that any of the Defendants violated his constitutional right to adequate medical care under the Eighth Amendment, as Plaintiff's medical records indicate he was seen by mental health and other medical staff on a regular basis during the time period in question, he never mentioned or sought treatment for any injuries related to the alleged assault, and he has not presented evidence of a serious medical need.

4. Plaintiff also has failed to assert any basis whatsoever to support a constitutional claim against MTC.

5. Accordingly, there are no genuine issues of material fact as to plaintiff's medical claim against the individual Defendants or his corporate claim against MTC under Section 1983, and Defendants are entitled to judgment as a matter of law as to each of these claims.

6. In support of the instant motion, Defendants rely on their separate memorandum of authorities, as well as the following exhibits attached hereto:

- "A" Omnibus Hearing Transcript;
- "B" Investigation Report;
- "C" Plaintiff's Incident Report;
- "D" Excerpts of Plaintiff's Medical Records; and
- "E" Plaintiff's Offender Log.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request the Court to grant their motion and dismiss with prejudice as a matter of law Plaintiff's claims against them regarding inadequate medical care and his corporate claims against MTC. Defendants further request any additional relief the Court deems appropriate.

Respectfully submitted, this the 22nd day of May, 2015.

MANAGEMENT & TRAINING CORPORATION,
MARIAN PULLIAM, AUGUSTINE BATTLE,
AND HENRY JOHNSON, DEFENDANTS

BY: /s/ Steven J. Griffin
OF COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2015, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which provided notice to all counsel of record, and I hereby certify that I have served via U.S. Mail this document to the following non-ECF participants:

Hudson Edget (MDOC #13856)
East Mississippi Correctional Facility
10641 Highway 80 East
Meridian, MS 39307

/s/ Steven J. Griffin